



Board of Adjustment Case Report

City of Raleigh
Department of City Planning
1 Exchange Plaza
Raleigh, NC 27601
(919) 996-2626
www.raleighnc.gov

Case File: A-44-15

Property Address: 0 S. Swain Street

Property Owner: City of Raleigh – Housing and Neighborhoods Department

Project Contact: Britni Edwards

Nature of Case: A request a 15' front yard setback variance and a 15' corner side yard setback variance from the standards set forth in Section 10-2075 of the Part 10 Zoning Code resulting in a 5' front yard setback and a 5' corner side setback to allow for the construction of a detached house on property zoned Residential-20 located at 0 S. Swain Street.

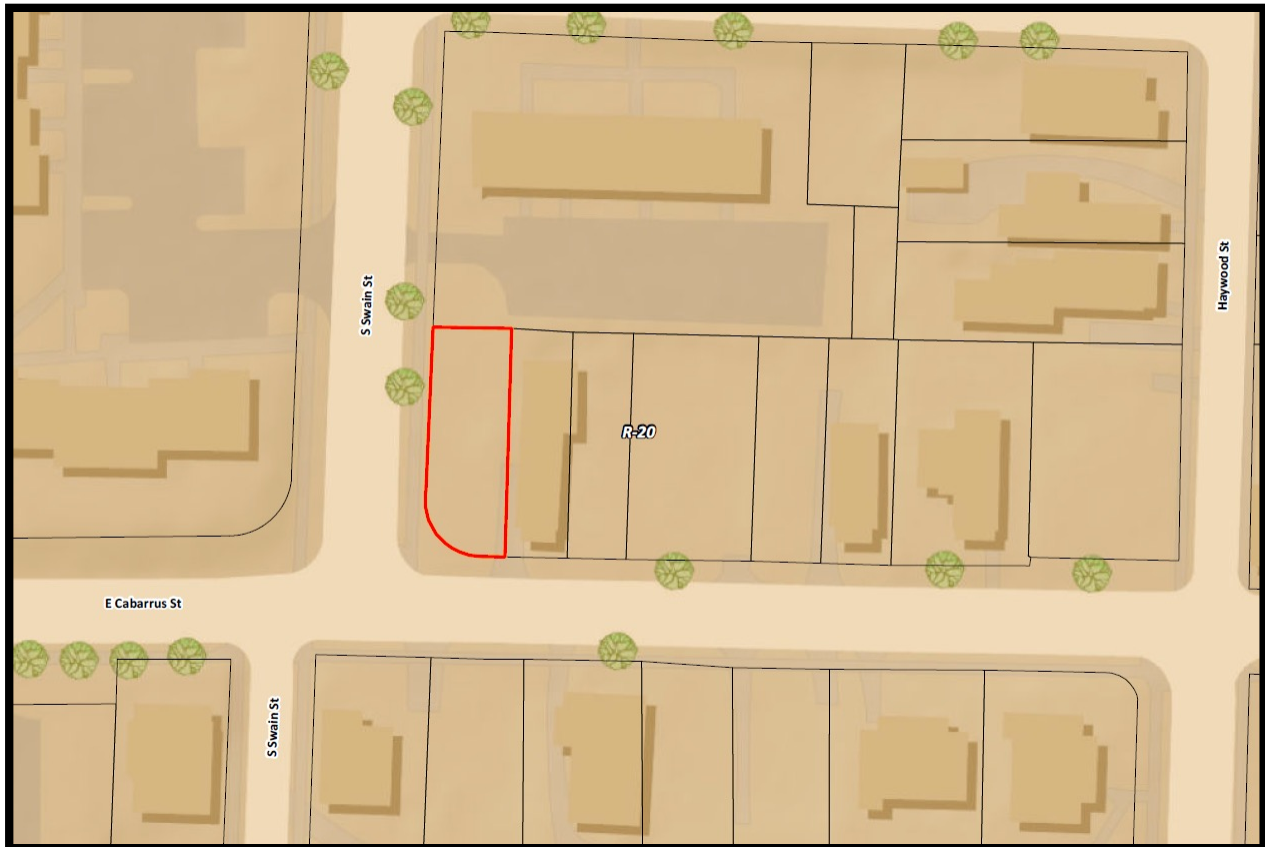


0 S. Swain Street – Location Map

To BOA: 7-13-15

Staff Coordinator: Eric S. Hodge, AICP

**ZONING
DISTRICTS:** Residential 20



0 S. Swain Street – Zoning Map

VARIANCE STANDARDS: In accordance with UDO [§10.2.10 Variance](#), before a variance request is granted, the Board of Adjustment shall show all of the following:

1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
2. The hardship results from conditions that are peculiar to the property, such as location, size or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions

that are common to the neighborhood or the general public, may not be the basis for granting a variance.

3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
4. The requested variance is consistent with the spirit, purpose and intent of the ordinance, such that public safety is secured and substantial justice is achieved.

Setback &

Lot Standards: The subject property is zoned Residential 20

	Minimum
Lot Area	5000 sq. ft.
Lot Width	45'
Corner Lot Width	60'
Lot Depth	70'
Front Yard Setback:	20'
Side Yard Setback:	5'
Corner Side Yard Setback	20'
Aggregate Side Yard Setback:	15'
Aggregate Front/Rear Setback:	40'



Planning & Development

Development Services
Customer Service Center
One Exchange Plaza
1 Exchange Plaza, Suite 400
Raleigh, North Carolina 27601
Phone 919-996-2495
Fax 919-516-2685

Variance Application

D. 44-15

OFFICE USE ONLY	
Nature of variance request (Submit addendum on separate sheet, if more space is needed.) A reduction of the front and side setbacks is being requested due to the small lot size and to maintain the front setback along the Cabarrus Street blockface. A reduction of 15' in the front setback is being requested, resulting in a 5' front setback. A reduction of 15' in the side setback is being requested, resulting in a 5' side setback, with an aggregate side yard of 10'.	Transaction Number
Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions or Pre-Submittal Conferences. If this property was the subject of a previous variance request, provide the case number.	

GENERAL INFORMATION		
Property Address 0 S Swain Street	Date 4-29-15	
Property PIN 1703969899	Current Zoning R-20	
Nearest Intersection S Swain Street and E Cabarrus Street	Property size (in acres) 0.07	
Property Owner City of Raleigh Housing & Neighborhoods Department	Phone 919-996-4330	Fax 919-857-4359
	Email britni.edwards@raleighnc.gov	
Project Contact Person Britni Edwards	Phone 919-996-6967	Fax 919-857-4359
	Email britni.edwards@raleighnc.gov	
Property Owner Signature <i>Marchell Adams-David</i>	Email Marchell.Adams-David@raleighnc.gov	
Notary Sworn and subscribed before me this <u>4TH</u> day of <u>MAY</u> , 20 <u>15</u>	Notary Signature and Seal <i>Leslie H. Eldredge</i> LESLIE H. ELDREDGE MY COMMISSION EXPIRES NOV. 11, 2018	

It is improper to contact any member of the Board of Adjustment prior to the disposition of a case to discuss the request. A variance application will not be considered complete until all required submittal components listed on the Variance Checklist have been received and approved.



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Variance Checklist

TO BE COMPLETED BY APPLICANT	YES	N/A
PRE-SUBMITTAL REQUIREMENTS		
1. Pre-Application Conference with staff	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Completed Variance Intake Requirements sheet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Variance applications shall be submitted to the Zoning Division, 4 th floor of One Exchange Plaza	<input checked="" type="checkbox"/>	<input type="checkbox"/>
VARIANCE REQUIREMENTS		
1. The property owner must be the applicant.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. A signed, notarized application and submittal fee are required.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. The applicant must submit stamped envelopes addressed to the property owners within 100 feet of the subject property. City staff will mail the public hearing notices.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. The Board of Adjustment conducts a quasi-judicial hearing. You may not contact the Board members once the application has been filed.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. The Board of Adjustment is not empowered to modify zoning lines or grant a use variance.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. The Board of Adjustment may attach conditions of approval to a variance to protect surrounding properties.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. City Staff will place a public hearing sign on the subject property. The sign must be prominently displayed on the property for at least ten days before the hearing. The property owner is responsible for maintaining the sign during this ten day period. The owner must return the sign to city staff within three days of the hearing. The owner will be charged \$45 for any sign not returned.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
VARIANCE CONSIDERATIONS		
The Board of Adjustment will review all variance requests against the following showings:		
1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made from the property.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. The hardship results from conditions that are peculiar to the property, such as location, size or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. The requested variance is consistent with the spirit, purpose and intent of the ordinance, such that public safety is secured and substantial justice is achieved.	<input checked="" type="checkbox"/>	<input type="checkbox"/>



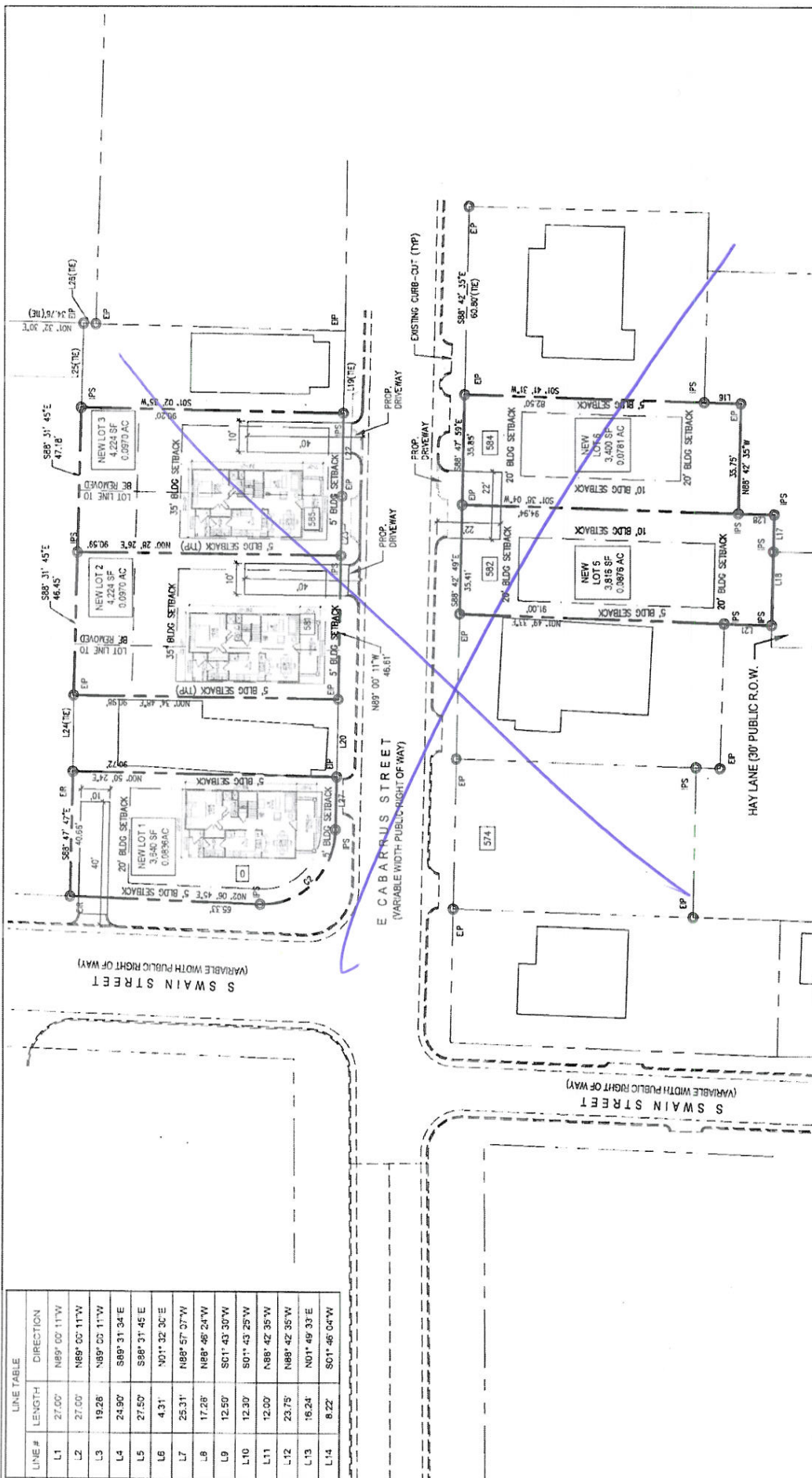
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Variance Intake Requirements

TO BE COMPLETED BY APPLICANT			COMPLETED BY CITY STAFF		
	YES	N/A	YES	NO	N/A
General Requirements – Variance					
1. I have referenced the Variance Checklist and by using this as a guide, it will ensure that the application is processed in a timely manner	<input checked="" type="checkbox"/>				
2. Variance application review fee (see Development Fee Schedule for rate)	<input checked="" type="checkbox"/>				
3. Completed, notarized application signed by the property owner	<input checked="" type="checkbox"/>				
4. One set of stamped envelopes addressed to all property owners within 100 feet of the subject property	<input checked="" type="checkbox"/>				
5. List of all adjacent property owners	<input checked="" type="checkbox"/>				
6. Plot Plan drawn to scale, containing a north arrow, area of lot, location of all existing improvements and use areas, location of proposed improvements, location of any constraints such as flood plain area, tree conservation area, buffer yards, easements, and sight distance triangles	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
7. If the variance request involves a structure, sign or fence, architectural elevations must be submitted	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
8. If the property has been cited by a Code Enforcement Officer, include a copy of the citation	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
9. Is variance needed to legalize an existing improvement?	<input type="checkbox"/>	<input checked="" type="checkbox"/>			

LINE #	LENGTH	DIRECTION
L1	27.00'	N89° 00' 11" W
L2	27.00'	N89° 00' 11" W
L3	19.28'	N89° 00' 11" W
L4	24.90'	S89° 31' 34" E
L5	27.50'	S89° 31' 45" E
L6	4.31'	N01° 32' 30" E
L7	25.31'	N89° 57' 07" W
L8	17.28'	N88° 46' 24" W
L9	12.50'	S01° 43' 30" W
L10	12.30'	S01° 43' 25" W
L11	12.00'	N88° 42' 35" W
L12	23.75'	N88° 42' 35" W
L13	16.24'	N01° 49' 33" E
L14	8.22'	S01° 46' 04" W

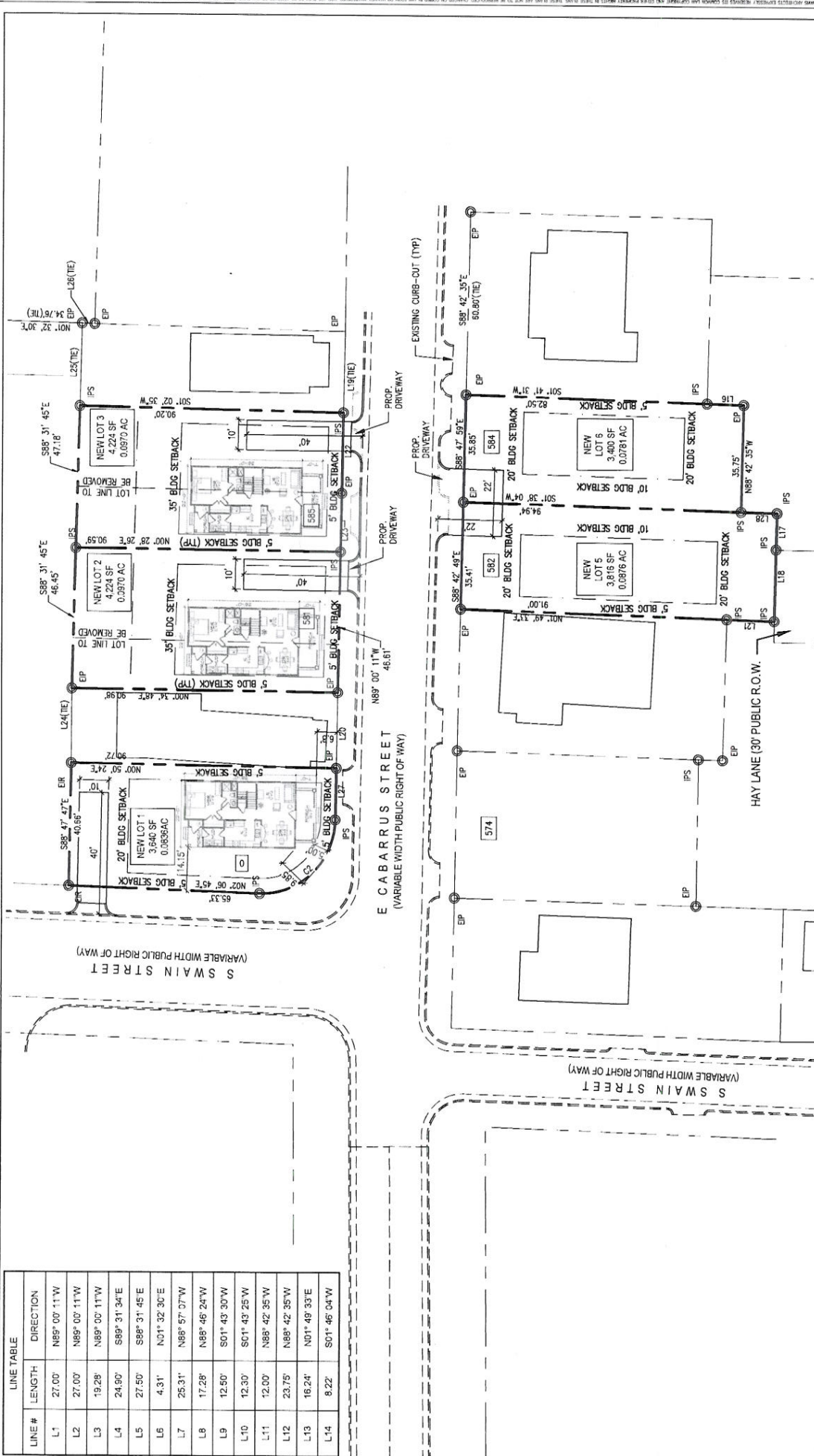


JDAVIS

581 & 585 E. Carabbus & O Swain Streets City of Raleigh Community Development Center Raleigh, North Carolina

Date: May 07, 2015
SCALE: 1" = 30'
0 15' 30'

LINE TABLE		
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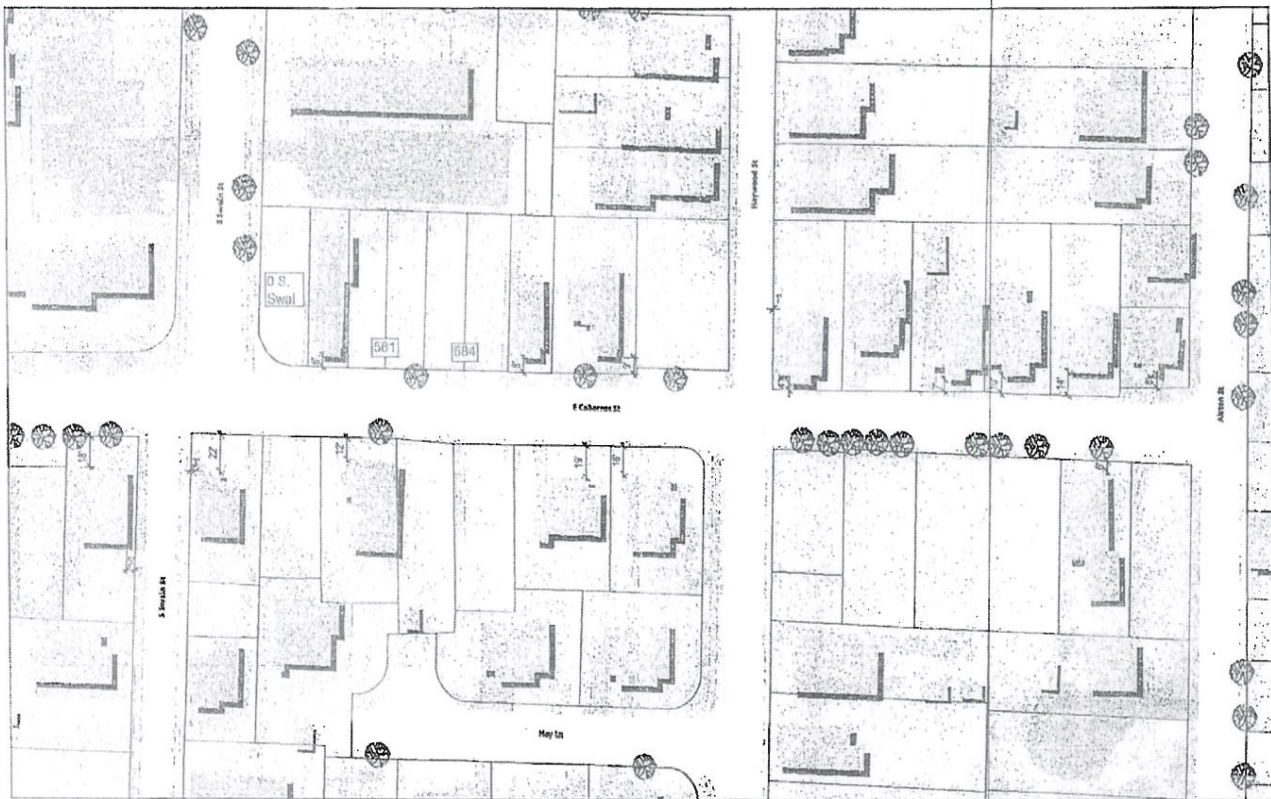
JDAVIS

581 & 585 E. Carabbus & 0 Swain Streets
City of Raleigh Community Development Center
Raleigh, North Carolina

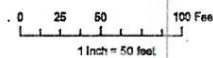
Date: May 07, 2015
Scale: 1" = 30'



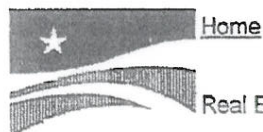
10-44-15



581 & 585 E. Cabarrus and 0 S. Swain Streets - EXISTING SETBACKS -



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Wake County Real Estate Data Account Summary

[iMaps](#)[Tax Bills](#)

Real Estate ID 0131704 PIN # 1703969899

Location Address
0 S SWAIN STProperty Description
PROP OF THE CITY OF RALEIGHAccount
Search[Pin/Parcel History](#) [Search Results](#) [New Search](#)

NORTH CAROLINA

[Account](#) | [Buildings](#) | [Land](#) | [Deeds](#) | [Notes](#) | [Sales](#) | [Photos](#) | [Tax Bill](#) | [Map](#)

For real estate accounts created or new construction built after January 1, 2015: Property values are under review for tax year 2016. Land and building values on these properties will reflect an assessment based on the January 1, 2008 Schedule of Values until late 2015 or early 2016 at which time the January 1, 2016 revaluation values for both land and buildings will be available.

Property Owner RALEIGH CITY OF Use the Deeds tab above to view any additional owners		Owner's Mailing Address PO BOX 590 RALEIGH NC 27602-0590	Property Location Address 0 S SWAIN ST RALEIGH NC 00000-0000
Administrative Data Old Map # B011-B0059-0043 Map/Scale 1703 44 VCS 01RA549 City RALEIGH Fire District Township RALEIGH Land Class EXEMPT ETJ RA Spec Dist(s) Zoning R-20 History ID 1 History ID 2 Acreage .07 Permit Date Permit #		Transfer Information Deed Date 1/28/1985 Book & Page 03421 0482 Revenue Stamps Pkg Sale Date Pkg Sale Price Land Sale Date Land Sale Price Improvement Summary Total Units 0 Recycle Units 0 Apt/SC Sqft Heated Area	Assessed Value Land Value \$16,800 Assessed Bldg. Value Assessed Tax Relief Land Use Value Use Value Deferment Historic Deferment Total Deferred Value Use/Hist/Tax Relief Assessed Total Value \$16,800 Assessed*

*Wake County assessed building and land values reflect the market value as of January 1, 2008, which is the date of the last county-wide revaluation. Any inflation, deflation or other economic changes occurring after this date does not affect the assessed value of the property and cannot be lawfully considered when reviewing the value for adjustment.

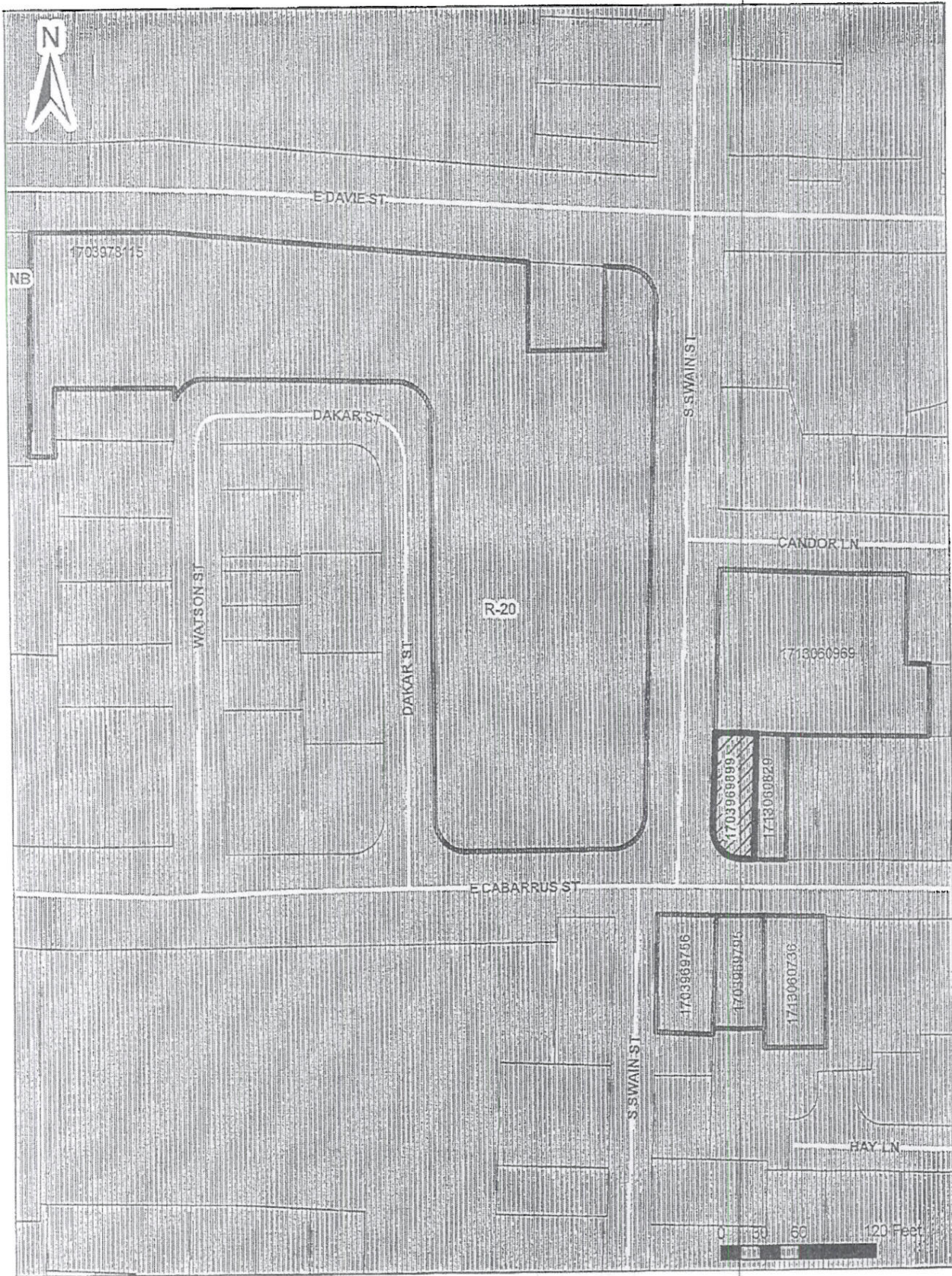
The January 1, 2008 values will remain in effect until the next county-wide revaluation, which begins January 1, 2016. Until that time, any real estate accounts created or new construction built is assessed according to the 2008 Schedule of Values.

For questions regarding the information displayed on this site, please contact the Revenue Department at RevHelp@wakegov.com or call 919-856-5400.

Real Estate ID 0131704 PIN # 1703969899

Location Address
0 S SWAIN STProperty Description
PROP OF THE CITY OF RALEIGHAccount
Search[Pin/Parcel History](#) [Search Results](#) [New Search](#)[Account](#) | [Buildings](#) | [Land](#) | [Deeds](#) | [Notes](#) | [Sales](#) | [Photos](#) | [Tax Bill](#) | [Map](#)

Building Location Address 0 S SWAIN ST		Building Description 01RA549		Card 01 Of 01																																																															
Bldg Type Units Heated Area Story Height Style Basement Exterior Const Type Heating Air Cond Plumbing		Year Blt Addns Int. Adjust. Other Features		Base Bldg Value Grade Cond % Market Adj. Market Adj. Accrued % Incomplete Code Card 01 Value All Other Cards Land Value Assessed \$16,800 Total Value Assessed \$16,800																																																															
Main and Addition Summary <table border="1"> <thead> <tr> <th>Story</th> <th>Type</th> <th>Code</th> <th>Area</th> <th>Inc</th> </tr> </thead> <tbody> <tr><td>M</td><td></td><td></td><td></td><td></td></tr> <tr><td>A</td><td></td><td></td><td></td><td></td></tr> <tr><td>B</td><td></td><td></td><td></td><td></td></tr> <tr><td>C</td><td></td><td></td><td></td><td></td></tr> <tr><td>D</td><td></td><td></td><td></td><td></td></tr> <tr><td>E</td><td></td><td></td><td></td><td></td></tr> <tr><td>F</td><td></td><td></td><td></td><td></td></tr> <tr><td>G</td><td></td><td></td><td></td><td></td></tr> <tr><td>H</td><td></td><td></td><td></td><td></td></tr> </tbody> </table>				Story	Type	Code	Area	Inc	M					A					B					C					D					E					F					G					H					Other Improvements <table border="1"> <thead> <tr> <th>Units</th> <th>DesItem</th> <th>Code</th> <th>Year</th> <th>% Inc</th> <th>Value</th> </tr> </thead> <tbody> <tr><td></td><td></td><td></td><td></td><td>ADJ</td><td></td></tr> </tbody> </table>		Units	DesItem	Code	Year	% Inc	Value					ADJ	
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0 South Swain Street



1703969899
RALEIGH CITY OF
PO BOX 590
RALEIGH NC 27602-0590

1703978115
HOUSING AUTHORITY
900 HAYNES ST
RALEIGH NC 27604-1462

1713060969
DAWKINS, BENJAMIN C
5862 FARINGDON PL STE 1
RALEIGH NC 27609-4582

1703969756
KURDYS, SEAN FERRELL KURDYS, NIKKI
JENETTE
1217 COURTLAND DR
RALEIGH NC 27604-1338

1713060736
FORD, BRUCE ALEXANDER FORD,
CAROLINE ELIZABETH MAD...
578 E CABARRUS ST
RALEIGH NC 27601-1963

1703969795
RALEIGH CITY OF
PO BOX 590
RALEIGH NC 27602-0590

Dup

1713060829
BRZEZICKA, OLGA BRZEZICKI, JERZY M
803 HUNTSMORTH PL
CARY NC 27513-9744